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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Dogfish Head Marketing, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	#6 Cannery Village Center Milton, DE 19968 UNITED STATES		

Attorney information	John J. Dabney McDermott Will & Emery LLP 500 North Capitol Street NW Washington, DC 20001 UNITED STATES jdabney@mwe.com, mhallerman@mwe.com, dcipit@mwe.com
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### Registration Subject to Cancellation

Registration No	4020012	Registration date	08/30/2011
Registrant	Analog Wine Co., LLC #3 733 Crystal Springs Road Saint Helena, CA 94574 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 033. First Use: 2010/05/05 First Use In Commerce: 2010/11/27 All goods and services in the class are cancelled, namely: Wines
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

### Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4246128	Application Date	06/18/2012
Registration Date	11/20/2012	Foreign Priority Date	NONE
Word Mark	ANALOG BEER FOR THE DIGITAL AGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1998/00/00 First Use In Commerce: 1998/00/00		

	Beers
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Attachments	Petition for Cancellation (Analog Wine Co).pdf(81648 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John J. Dabney/
Name	John J. Dabney
Date	05/17/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DOGFISH HEAD MARKETING, LLC,

Petitioner,

v.

ANALOG WINE CO., LLC,

Registrant.

Cancellation No. \_\_\_\_\_

Registration No. 4,020,012

Mark: ANALOG WINE CO.

**PETITION FOR CANCELLATION**

Dogfish Head Marketing, LLC (“Petitioner”) petitions to cancel Registration No. 4,020,012 for ANALOG WINE CO., owned by Analog Wine Co., LLC (“Registrant”).

1. Petitioner is a Delaware Limited Liability Company with a principal place of business in Milton, Delaware.

2. Since at least as early as 1998, Petitioner has continuously used, advertised and promoted the trademark ANALOG BEER and formatives thereof for beer (collectively, “ANALOG BEER marks”).

3. Petitioner has expended substantial resources to advertise and promote its products under its ANALOG BEER marks.

4. Consumers associate Petitioner’s ANALOG BEER marks as identifying goods emanating exclusively from Petitioner.

5. Petitioner owns common law trademarks for ANALOG BEER for beer.

6. Petitioner owns Registration No. 4,246,128 for ANALOG BEER FOR THE DIGITAL AGE for beer.

7. Despite Petitioner's superior rights in its ANALOG BEER marks, Registrant secured Registration No. 4,020,012 for ANALOG WINE CO. for "wine."

8. Registrant's mark ANALOG WINE CO. is similar in sight, sound, and meaning to Petitioner's ANALOG BEER marks.

9. The parties' goods—beer and wine—are similar and related and are sold in the same channels of trade.

10. Registrant's use and registration of ANALOG WINE CO. is likely to cause confusion, deception, and/or mistake among the relevant public.

11. Upon information and belief, Registrant stopped use of the mark ANALOG WINE CO. for wine with an intent not to resume use.

12. Registrant's mark ANALOG WINE CO. has lost any capacity as a source identifier for Registrant's wine.

13. Registrant has abandoned its ANALOG WINE CO. trademark.

14. Registrant's use and registration of ANALOG WINE CO. has damaged Petitioner.

Thus, Petitioner requests cancellation of Registrant's registration for ANALOG WINE CO., Registration No. 4,020,012.

Respectfully submitted,

Dated: May 17, 2013

DOGFISH HEAD MARKETING, LLC

By: /s/ \_\_\_\_\_

John J. Dabney

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*Attorneys for Petitioner*

*Dogfish Head Marketing, LLC*

**CERTIFICATE OF SERVICE**

Petitioner DOGFISH HEAD MARKETING, LLC hereby certifies that a copy of this PETITION FOR CANCELLATION has been served upon Registrant Analog Wine Co. on this 17th day of May, 2013, by First Class U.S. Mail at the following address:

Analog Wine Co., LLC  
733 Crystal Springs Road  
#3  
Saint Helena, California 94574

/s/ \_\_\_\_\_  
John J. Dabney  
Attorney for Petitioner